

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. CV 10-2790-DMG(Ex) Date AUGUST 2, 2010

Title DONALD MELBINGER, ET AL., V WELD RACING LLC, ET AL.,

Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

Yolanda Skipper
Deputy Clerk

Not Reported
Court Reporter

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: IN CHAMBERS - Order To Show Cause Re: Dismissal for Lack of Prosecution

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. Generally, defendant must answer the complaint within 20 days after service (60 days if the defendant is the United States.)

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **AUGUST 18, 2010** why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiff(s), the Court will consider the filing of one of the following, as an appropriate response to this Order To Show Cause, on or before the above date, as evidence that the matter is being prosecuted diligently:

- x Proof(s) of service of summons and complaint on the defendant(s):
- An answer by the following defendant(s):
- In cases removed from State Court, responsive pleadings filed by all defendants;
- Plaintiff's application for entry of default pursuant to Rule 55a of the Federal Rules of Civil Procedure;
- Plaintiff's request that the clerk enter default judgment or plaintiff's motion for entry of default judgment pursuant to Rule 55b of the Federal Rules of Civil Procedure.

It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by this Court. (Local Rules 7-1 and 7-2).

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due. This action will be **dismissed** if the above mentioned documents are not filed by the date indicated above.

cc: all counsel